

**EIGHTY-SEVENTH GENERAL ASSEMBLY
2018 REGULAR SESSION
DAILY
SENATE CLIP SHEET**

February 27, 2018

Clip Sheet Summary

Displays all amendments, fiscal notes, and conference committee reports for previous day.

| Bill | Amendment | Action | Sponsor |
|--------------------------------------|-------------------------------------|---------------|----------------------|
| <u>SF 2272</u> | <u>S-5040</u> | | AMY SINCLAIR |
| <u>SF 2311</u> | <u>S-5041</u> | | MICHAEL BREITBACH |

Fiscal Notes

[SF 2344](#) — [College Campus Free Speech](#) (LSB5524SV)

[SF 2367](#) — [Open Enrollment from Military Installation](#) (LSB6153SV)

[SF 2371](#) — [Human Trafficking Involving Minors, Penalty](#) (LSB5957SV)

[SF 2372](#) — [Medical Cannabis Regulation Changes](#) (LSB6120SV)

[SF 2373](#) — [Child Endangerment, Marriage Exception](#) (LSB6131SV)

[HF 2351](#) — [Peace Officers Killed in Line of Duty, Family Insurance Coverage Continuation](#) (LSB5643HV.1)

S-5040

1 Amend Senate File 2272 as follows:

2 1. Page 1, by striking lines 1 and 2 and inserting:

3 <Section 1. Section 260C.36, subsection 4, paragraph a,
4 Code 2018, is amended to read as follows:

5 a. An ad hoc accreditation quality faculty plan protocol
6 committee to advise the department in the development of
7 protocols related to the quality faculty planning process to
8 be used by the an accreditation teams team during site visits
9 when invited by the community college to conduct an evaluation
10 of the quality faculty plan and assist the community college
11 in meeting the accreditation standards of the higher learning
12 commission, the department under the voluntary accreditation
13 process established pursuant to section 260C.47, subsection 3,
14 or any other accrediting agency. The committee shall, at a
15 minimum, determine what types of evidence need to be provided,
16 develop interview procedures and visit goals, and propose
17 accreditation protocol revisions.>

18 2. Page 1, line 6, before <Each> by inserting <1.>

19 3. Page 1, after line 9 by inserting:

20 <2. The state board shall adopt rules under chapter 17A that
21 establish an accreditation process, accreditation standards,
22 and appropriate remedies and sanctions for community colleges
23 which fail to meet the accreditation standards of the higher
24 learning commission. A community college that fails to meet
25 the accreditation standards of the higher learning commission
26 shall comply with the accreditation standards and accreditation
27 process established by rule by the state board in accordance
28 with this subsection until the community college is in
29 compliance with the higher learning commission's accreditation
30 standards. Action by the state board under this subsection is
31 final agency action for purposes of chapter 17A.

32 3. The state board shall adopt rules under chapter 17A that
33 establish a voluntary accreditation process and accreditation
34 standards to be administered by the department upon request
35 for specific community college programs that the higher

S-5040 (Continued)

1 learning commission does not accredit, which may include but
2 is not limited to career and technical education programs and
3 quality faculty programs. A community college that voluntarily
4 seeks accreditation of a specific program by the department
5 under this subsection shall pay the cost of the voluntary
6 accreditation process and shall comply with the voluntary
7 accreditation process and accreditation standards established
8 by rule by the state board in accordance with this subsection.>

By AMY SINCLAIR

S-5040 FILED FEBRUARY 26, 2018

S-5041

1 Amend Senate File 2311 as follows:

2 1. Page 6, lines 9 and 10, by striking <as provided>

3 2. By striking page 6, line 24, through page 8, line 18, and
4 inserting:

5 <(b) A gas or electric utility customer, including
6 a non-rate-regulated gas or electric utility customer,
7 may request an exemption from participation in any energy
8 efficiency plan or demand response plan offered by a gas or
9 electric utility at any time during the course of a plan. Gas
10 and electric utilities shall provide notice to customers of
11 the ability to request an exemption from any energy efficiency
12 plan or demand response plan offered by the utility no less
13 than four times per year, in the customer's billing statement
14 and any other method selected by the utility to provide
15 notice. Such notice provided to customers shall include the
16 estimated costs to participate in an energy efficiency plan or
17 demand response plan. Upon receipt of a request for exemption
18 submitted by a customer, the gas or electric utility shall
19 grant the exemption and, beginning January 1 of the following
20 year, the customer shall no longer be assessed the costs of the
21 plan and shall be prohibited from participating in any program
22 included in such plan. An exemption shall be permanent and
23 shall exempt the customer from any subsequent five-year plan
24 offered by the gas or electric utility, provided, however, that
25 a customer granted an exemption may request to enroll in a
26 subsequent five-year energy efficiency plan or demand response
27 plan at any time prior to the commencement of such plan. Gas
28 and electric utilities shall provide notice to customers of the
29 ability to request to enroll in a subsequent plan offered by
30 the utility no less than four times per year, in the customer's
31 billing statement and any other method selected by the utility
32 to provide notice. Upon receipt of a request to enroll in
33 a subsequent energy efficiency plan or demand response plan,
34 the gas or electric utility shall grant the enrollment and,
35 beginning at the commencement of the subsequent plan, the

1 customer shall be assessed the costs of the plan and shall be
2 allowed to participate in any program included in such plan.

3 (2) Gas and electric utilities required to be
4 rate-regulated under this chapter may request an energy
5 efficiency plan or demand response plan modification during the
6 course of a five-year plan. A modification may be requested
7 due to changes in funding as a result of public utility
8 customers requesting exemptions from the plan or for any other
9 reason identified by the gas or electric utility. The board
10 shall take action on a modification request made by a gas or
11 electric utility within ninety days after the modification
12 request is filed. If the board fails to take action within
13 ninety days after a modification request is filed, the
14 modification request shall be deemed approved.

15 (3) The board shall adopt rules pursuant to chapter 17A
16 establishing reasonable processes and procedures for utility
17 customers to request exemptions from energy efficiency plans or
18 demand response plans pursuant to this paragraph.>

19 3. Page 8, lines 29 and 30, by striking <energy efficiency
20 and demand response programs> and inserting <plans>

21 4. Page 9, line 2, by striking <a program> and inserting <a
22 plan>

23 5. Page 9, line 7, by striking <program>

24 6. Page 10, by striking lines 14 through 25 and inserting
25 <response plan that results in projected average annual costs
26 that exceed one and one-half percent of the gas utility's
27 expected annual rate revenue from customers participating
28 in such plans, and shall not require an electric utility
29 to adopt an energy efficiency plan or demand response plan
30 that results in projected average annual costs that exceed
31 two percent of the electric utility's expected annual rate
32 revenue from customers participating in such plans. For
33 purposes of determining the one and one-half or two percent
34 threshold amount, the board shall exclude from a gas or
35 electric utility's expected annual rate revenue the revenues

1 expected from customers that have received exemptions from
2 energy efficiency plans or demand response plans pursuant
3 to paragraph "a", subparagraph (1), subparagraph division
4 (b). A gas or electric utility may voluntarily propose an
5 energy efficiency plan or demand response plan that results in
6 projected average annual costs that exceed one and one-half
7 percent of a gas utility's expected annual rate revenue from
8 customers participating in such plans, or two percent of an
9 electric utility's expected annual rate revenue from customers
10 participating in such plans. The board may approve, reject,
11 or modify the>

12 7. By striking page 10, line 33, through page 11, line
13 7, and inserting <currently approved energy efficiency
14 plan or demand response plan includes projected average
15 annual costs that exceed one and one-half percent of the gas
16 utility's expected annual rate revenue received from customers
17 participating in such plan for service within the previous
18 calendar year, exclusive of recovery of energy efficiency
19 costs, or two percent of the electric utility's expected
20 annual rate revenue received from customers participating
21 in such plan for service within the previous calendar year,
22 exclusive of recovery of energy efficiency costs, the gas or
23 electric utility may file a request to modify its approved
24 energy efficiency plan or demand response plan to achieve
25 projected average annual costs at one and one-half or less of
26 the gas utility's expected annual rate revenue from customers
27 participating in such plan, or two percent or less of the
28 electric utility's expected annual rate revenue from customers
29 participating in such plan. In such case, or whenever a
30 request>

31 8. By striking page 11, line 31, through page 12, line 1,
32 and inserting <defined in section 476.42. Customers that have
33 been granted exemptions from energy efficiency plans or demand
34 response plans pursuant to paragraph "a", subparagraph (1),
35 subparagraph division (b), shall not be charged for recovery of

S-5041 (Continued)

1 energy efficiency or demand response costs beginning January
2 1 of the year following the year in which the customer was
3 granted the exemption.>

By MICHAEL BREITBACH

[S-5041](#) FILED FEBRUARY 26, 2018

Fiscal Note

Fiscal Services Division



SF 2344 – College Campus Free Speech (LSB5524SV)
Analyst: Robin Madison (515.281.5270) robin.madison@legis.iowa.gov
Fiscal Note Version – New

Description

[Senate File 2344](#) requires the Board of Regents and the boards of directors of the community colleges to adopt policies regarding free speech on campuses. The Bill requires that the policies include specific provisions regarding the proper function and role of the institutions of higher education, the freedoms to be afforded students, and the use of public areas of campus for public forums.

The Bill identifies protected activities for members of a campus community and specifies certain responsibilities of the institutions. The Bill deems the outdoor areas of the institutions' campuses as traditional public forums. The Bill excludes areas outside campus health care facilities from being considered traditional or designated public forums.

The Bill provides remedies for members of a campus community who are aggrieved by a violation of legislation and specifies that the legislation does not make any administrator, officer, employee, or agent of an institution personally liable for acts taken pursuant to the individual's official duties.

The Bill may include a State mandate as defined in Iowa Code section [25B.3](#).

The Bill takes effect upon enactment.

Background

In January 2018, the State Appeal Board agreed to pay \$150,000 in damages and \$193,000 in legal fees related to a lawsuit filed by the student leaders of the Iowa State University (ISU) chapter of the National Organization for the Reform of Marijuana Laws (NORML). A federal judge found that the leaders' free-speech rights were violated in 2012 when campus administrators withdrew approval of a T-shirt that included the ISU mascot. Approval for payment of attorney fees will be sought when the district court has determined the amount.

The costs approved by the State Appeal Board do not include the State's expenses for providing legal representation for the campus administrators.

Fiscal Impact

[Senate File 2344](#) may have a fiscal impact related to increased future exposure to litigation for the community colleges and State universities; however, the number of future complaints related to campus free speech provisions required in the Bill is unknown. In addition, the legal and settlement costs incurred by the State or by the institutions as a result of future litigation cannot be estimated.

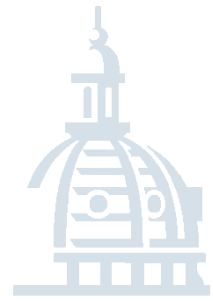
Sources

Board of Regents
Iowa Association of Community College Trustees

/s/ Holly M. Lyons

February 23, 2018

The fiscal note for this Bill was prepared pursuant to Joint Rule 17 and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.



[Senate File 2367](#) – Open Enrollment from Military Installation (LSB6153SV)
Analyst: Jocelyn Gerriets (515.238.2833) jocie.gerriets@legis.iowa.gov
Fiscal Note Version – New

Description

[Senate File 2367](#) allows a student living with a military parent or guardian on a military base in an out-of-state county that is contiguous to a county in Iowa to be counted for the purpose of residency for attending a school district in Iowa. There are two areas the Bill would affect: Scott, Muscatine, and Clinton County schools near Rock Island Arsenal in Illinois, and Pottawattamie and Mills County schools near Offutt Air Force Base in Nebraska.

Scott, Muscatine, and Clinton County school districts include:

- Bennett
- Bettendorf
- Calamus-Wheatland
- Camanche
- Central DeWitt
- Clinton
- Columbus
- Davenport
- Delwood
- Durant
- Easton Valley
- Louisa-Muscatine
- Midland
- Muscatine
- North Scott
- Northeast
- Pleasant Valley
- West Liberty
- Wilton

Pottawattamie and Mills County school districts include:

- AHSTW
- Council Bluffs
- East Mills
- Fremont
- Glenwood
- Griswold
- Lewis Central
- Missouri Valley
- Riverside
- Treynor
- Tri-Center
- Underwood

Background

Currently, there are 13 students residing at the Rock Island Arsenal and attending school in the Moline-Coal Valley School District in Illinois. Due to new construction, there will be an estimated 71 additional students moving to the Arsenal for the coming school year who otherwise would have resided on either the Iowa or Illinois side.

Offutt Air Force Base has 1,857 housing units on Base property. Families living in these units would qualify to enroll in Iowa schools. Approximately half of these units have families with K-12 students in residence, with an estimated two children per unit. It is estimated that approximately 1,850 students live in this housing.

Current law allows a student to attend school in a contiguous state only if the following criteria are met:

- The two states have a reciprocal agreement.
- The two contiguous districts have agreements to establish tuition and transportation costs.
- The student lives closer to the school in the other state than to any appropriate school within the student's state of residence.

Under current allowances for enrollment between two states, the student continues to be counted as a resident in the district in the state where the student lives, and funds are paid between the school districts as laid out by the agreement.

Assumptions

- It is estimated that half of the students, both current and in new construction, living at the Rock Island Arsenal will choose to attend school in an Iowa school district. An estimated 45 students living at the Rock Island Arsenal will enroll in Iowa schools.
- It is estimated that between 5.0% and 7.5% of children living on Offutt Air Force Base will enroll in Iowa schools, as most students are already enrolled in school in Nebraska. This estimate is based on the open enrollment rate in Iowa, which for FY 2019 is estimated at 6.8%. It is estimated that between 93 and 139 students living within the Offutt Air Force Base Installation will enroll in Iowa schools.
- State cost per pupil is assumed to be set at the FY 2018 level of \$6,664, and the Property Tax Relief Payment (PTRP) is set at \$83 per student. Any changes to the State cost per pupil will affect the total estimated cost.
- All other State costs per pupil (Professional Development for Area Education Agencies (AEAs) and districts, Early Intervention, Teacher Salary Supplement for AEAs and districts, Teacher Leadership and Compensation) are also set at the FY 2018 level.
- The Iowa school aid formula in Iowa Code chapter [257](#) is based on budget enrollment, which is established the fall prior to the fiscal year for which it is used. For example, the FY 2019 budget enrollment is based on the October 2017 count date. For this reason, any changes to enrollment will not affect school aid formula funding until FY 2020, as the FY 2019 count date has already passed.
- Estimated property tax is based on the State cost per pupil and does not include district cost per pupil variation, as it is not certain which of the allowable Iowa school districts students will enroll into.
- Total estimates do not include any additional weighting that may be incurred if a student with disabilities enrolls in an Iowa school district. It is not clear if this kind of enrollment will meet the federal requirement that a student's district of residence is responsible for assuring that the student's Individualized Education Plan (IEP) requirements are met.

Fiscal Impact

Table 1 shows the fiscal impact on the school aid formula of the estimated number of students enrolling in Iowa schools for FY 2020.

Table 1 — FY 2020 Estimated School Aid Impact

| | Rock Island Arsenal | Offutt Air Force Base | Total Increase |
|-----------------------------|---------------------|-------------------------------|---------------------------------|
| Estimated New Enrollment | 45 | 93 - 139 | 138 - 184 |
| State Aid Cost | \$ 266,130 | \$ 550,002 - 822,046 | \$ 816,132 - 1,088,176 |
| Categoricals Cost | 58,513 | 120,926 - 180,739 | 179,439 - 239,252 |
| Total State Aid Cost | \$ 324,643 | \$ 670,928 - 1,002,785 | \$ 995,571 - 1,327,428 |
| Property Tax Cost | 41,679 | 86,136 - 128,741 | 127,815 - 170,420 |
| Total Cost | \$ 366,322 | \$ 757,064 - 1,131,526 | \$ 1,123,386 - 1,497,848 |

Categorical Costs includes Teacher Salary Supplement for AEAs and districts, Professional Development for AEAs and districts, Early Intervention, Teacher Leadership and Compensation, and 79.0% of the AEA Special Education cost.

Property Tax Cost includes the additional levy portion of the State cost per pupil, AEA Media and Ed services, and 21.0% of the Special Education AEA cost.

Sources

LSA analysis and calculations

Correspondence with Rock Island Arsenal staff

Correspondence with Offutt Air Force Base staff

Correspondence with Illinois State Board of Education staff

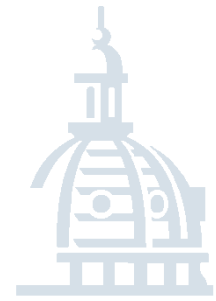
/s/ Holly M. Lyons

February 23, 2018

The fiscal note for this Bill was prepared pursuant to Joint Rule 17 and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

Fiscal Note

Fiscal Services Division



SF 2371 – Human Trafficking Involving Minors, Penalty (LSB5957SV)
Analyst: Alice Fulk Wisner (515.281.6764) alice.wisner@legis.iowa.gov
Fiscal Note Version – New

Description

Senate File 2371 relates to criminal penalties for individuals engaged in human trafficking of victims under the age of 18.

Background

Current law states that persons engaged in human trafficking under Iowa Code section [710A.2\(2\)](#), human trafficking by causing or threatening to cause serious physical injury, are guilty of a Class B felony if the victim is under the age of 18. All other human trafficking crimes under Iowa Code section [710A.2](#) with a victim under the age of 18 are Class C felony crimes. This Bill would enhance the penalty for all human trafficking cases from a Class C felony to a Class B felony.

From FY 2006 through FY 2017, there was one conviction of human trafficking under Iowa Code section [710A.2](#). There were 17 disposed charges, with one conviction and this conviction was a Class B felony, as it involved causing or threatening to cause serious physical injury. The victim was under the age of 18.

Table 1 shows estimates for sentencing to State prison, parole, probation, or Community-Based Corrections (CBC) residential facilities; length of stay (LOS) under those supervisions; and supervision marginal costs per day for offenders convicted of Class B and Class C felonies against persons.

Table 1 – Sentencing Estimates

| | Percent to Prison | Avg LOS Prison (months) | FY 17 Marginal Cost/Day Prison | Avg LOS Parole (months) | Percent to Probation | Avg LOS Probation (months) | FY 17 Avg Cost/Day Parole & Probation | Percent to CBC | FY 17 Marginal Cost/Day CBC | Percent to County Jail | Avg LOS County Jail (days) | Marginal Cost/Day Jail |
|------------------|-------------------|-------------------------|--------------------------------|-------------------------|----------------------|----------------------------|---------------------------------------|----------------|-----------------------------|------------------------|----------------------------|------------------------|
| B Felony Persons | 93.0% | 90.2 | \$17.52 | 33.3 | 9.0% | 34.9 | \$4.93 | 4.0% | \$10.56 | 44.0% | N/A | \$50.00 |
| C Felony Persons | 85.0% | 38.9 | \$17.52 | 20.1 | 29.0% | 36.7 | \$4.93 | 4.0% | \$10.56 | 34.0% | N/A | \$50.00 |

Assumptions

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; prisoner length of stay (LOS); revocation rates; plea bargaining; and other criminal justice system policies and practices.
- A lag effect of six months is assumed from the effective date of this Bill to the date of first entry of affected offenders into the correctional system.
- Marginal costs for county jails cannot be estimated due to a lack of data. For purposes of this analysis, the marginal cost for county jails is assumed to be \$50 per day. Additionally, reliable LOS data for county jails is not available.
- Future convictions of human trafficking may be a rare occurrence.

Impacts

Minority Impact

It is unknown what the minority impact of [SF 2371](#) would be, as there is very little data on human trafficking convictions in Iowa. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 29, 2018, for information related to minorities in the criminal justice system.

Correctional Impact

There would be a minimal correctional impact to this Bill, as convictions for human trafficking in the future are assumed to be rare. Refer to the LSA memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 8, 2018, for information related to the correctional system.

Fiscal Impact

The fiscal impact of [SF 2371](#) would be minimal. The average State cost for one Class C felony conviction ranges from \$9,000 to \$17,200, and the average State cost for one Class B felony ranges from \$12,500 to \$29,600. The minimum cost includes court time for a district court judge, court reporter, court attendant, and clerk of court staff, plus the costs of indigent defense and probation supervision. The maximum cost includes court time and the costs of a jury trial, indigent defense, State prison, and parole supervision.

Sources

Department of Human Rights, Criminal and Juvenile Justice Planning Division
Department of Corrections
Office of the State Court Administrator
Office of the State Public Defender

/s/ Holly M. Lyons

February 23, 2018

The fiscal note for this Bill was prepared pursuant to Joint Rule 17 and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.



SF 2372 – Medical Cannabis Regulation Changes (LSB6120SV)
Analyst: Kent Ohms (515.971.7053) kenneth.ohms@legis.iowa.gov
Fiscal Note Version – New

Description

Senate File 2372 amends the Medical Cannabidiol Act in Iowa Code chapter **124E**:

- Revising the definition of the qualifying debilitating medical condition “multiple sclerosis” and changing “untreatable pain” to “severe or chronic pain.”
- Adding to qualifying “debilitating medical condition” any other medical condition for which a patient’s health care practitioner determines the use of medical cannabidiol could be medically beneficial.
- Removing the 3.0% cap on tetrahydrocannabinol (THC) in the definition of medical cannabidiol.
- Exempting the sales price of any medical cannabidiol products from the sales tax.

Background

Currently, the Medical Cannabidiol Board can only make recommendations to the General Assembly regarding the addition or removal of debilitating medical conditions and changes to form or quantity of medical cannabidiol and the THC limit.

Iowa Code section **423.3(60)** exempts the sales price from the sale of prescription drugs and the sale or rental of durable medical equipment, mobility enhancing equipment, prosthetic devices, and other medical devices intended for human use or consumption from sales tax. Under the provisions of the Medical Cannabidiol Act, a health care practitioner may certify that a patient suffers from a debilitating medical condition, but this is not a “prescription” for medical cannabidiol. Additionally, medical cannabidiol does not meet the definition of “drug” in the current exemption.

Assumptions

- It is unknown to what extent health care providers would certify conditions beyond those listed in Iowa Code.
- The sales of medical marijuana in Colorado averaged \$4,000 per patient per year from 2014 to 2017.
- Medical cannabidiol will not be available for purchase in Iowa until December 2018.
- As of February 15, 2018, the Department of Public Health has been issuing cards for medical cannabidiol patients at a rate of 0.8 per day, for a total of 224 cards. This rate will continue and then double after medical cannabidiol is available.

Fiscal Impact

The number of increased patients available for the program is unknown. To the extent that additional patients apply for medical cannabidiol cards, the Department of Public Health will have the flexibility to hire more staff to process applications.

Exempting medical cannabidiol from the sales tax will have the following impact on General Fund, Secure an Advanced Vision for Education (SAVE) Fund, and Local Option Sales Tax (LOST) revenues:

Estimated Impact of SF 2372

| | General | | |
|---------|------------|------------|------------|
| | Fund | SAVE | LOST |
| FY 2019 | \$ -63,000 | \$ -13,000 | \$ -10,000 |
| FY 2020 | -240,000 | -48,000 | -38,000 |
| FY 2021 | -360,000 | -72,000 | -57,000 |
| FY 2022 | -480,000 | -96,000 | -76,000 |
| FY 2023 | -600,000 | -120,000 | -95,000 |

Sources

Department of Public Health
Department of Revenue

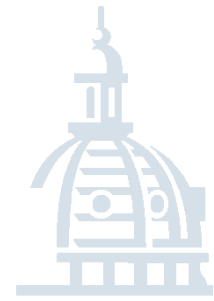
/s/ Holly M. Lyons

February 26, 2018

The fiscal note for this Bill was prepared pursuant to Joint Rule 17 and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

Fiscal Note

Fiscal Services Division



SF 2373 – Child Endangerment, Marriage Exception (LSB6131SV)
Analyst: Alice Fulk Wisner (515.281.6764) alice.wisner@legis.iowa.gov
Fiscal Note Version – New

Description

Senate File 2373 relates to the criminal offense of child endangerment.

Background

Currently under Iowa Code section [726.6](#), a parent, guardian, or person having custody or control over a child or a minor under the age of 18 with a mental or physical disability, or a person who is a member of the household where a child or such a minor resides, commits child endangerment when they knowingly allow a person who is required to register or is on the sex offender registry (established in Iowa Code chapter [692A](#)) custody or control of, or unsupervised access to, a child or minor. The charge of child endangerment does not apply if the sex offender is a parent or guardian of the child or minor or is a spouse of the parent, guardian, or person having custody or control of the child or minor.

This Bill would modify Iowa Code section [726.6\(h\)](#) so that child endangerment is committed only if the sex offender defined above is required to register or is on the sex offender registry because of a sex offense committed against a minor. The Bill also adds a new section stating that a person who has had to register or is on the sex offender registry because of a sex offense committed against a minor commits child endangerment if the sex offender knowingly takes custody or control of a child or minor, or knowingly has unsupervised access to a child or minor. This would not apply if the sex offender is a parent or guardian of the child or minor or is a spouse of the parent, guardian, or person having custody or control of the child or minor.

Penalties for child endangerment range from an aggravated misdemeanor to a Class B felony, depending on the circumstances of the case. **Table 1** shows estimates for sentencing to State prison, parole, probation, or Community-Based Corrections (CBC) residential facilities; length of stay (LOS) under those supervisions; and supervision marginal costs per day for offenders convicted of Class B, Class C, Class D, and aggravated misdemeanor child endangerment.

Table 1 — Sentencing Estimates

| | Percent to Prison | Avg LOS Prison (months) | FY 17 Marginal Cost/Day Prison | Avg LOS Parole (months) | Percent to Probation | Avg LOS Probation (months) | FY 17 Avg Cost/Day Parole & Probation | Percent to CBC | FY 17 Marginal Cost/Day CBC | Percent to County Jail | Avg LOS County Jail (days) | Marginal Cost/Day Jail |
|------------------------|-------------------|-------------------------|--------------------------------|-------------------------|----------------------|----------------------------|---------------------------------------|----------------|-----------------------------|------------------------|----------------------------|------------------------|
| B Felony Persons | 93.0% | 90.2 | \$17.52 | 33.3 | 9.0% | 34.9 | \$4.93 | 4.0% | \$10.56 | 44.0% | N/A | \$50.00 |
| C Felony Persons | 85.0% | 38.9 | \$17.52 | 20.1 | 29.0% | 36.7 | \$4.93 | 4.0% | \$10.56 | 34.0% | N/A | \$50.00 |
| D Felony Persons | 77.0% | 15.4 | \$17.52 | 10.9 | 51.0% | 29.7 | \$4.93 | 8.0% | \$10.56 | 25.0% | N/A | \$50.00 |
| Aggravated Mis Persons | 47.0% | 9 | \$17.52 | 4.9 | 70.0% | 19.3 | \$4.93 | 4.0% | \$10.56 | 51.0% | N/A | \$50.00 |

Assumptions

- There is no reliable data available on sex offenders residing with children who are not the offenders' offspring. It is expected that these situations would be infrequent.
- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; prisoner length of stay; revocation rates; plea bargaining; and other criminal justice system policies and practices.
- A lag effect of six months is assumed from the effective date of this Bill to the date of first entry of affected offenders into the correctional system.
- Marginal costs for county jails cannot be estimated due to a lack of data. For purposes of this analysis, the marginal cost for county jails is assumed to be \$50 per day. Additionally, reliable LOS data for county jails is not available.

Impacts

Minority Impact

It is estimated that the minority impact of this Bill would be minimal. In the last five years, convictions under Iowa Code section [726.6](#) have been predominately Caucasian males. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 29, 2018, for information related to minorities in the criminal justice system.

Correctional Impact

It is estimated that there would be a minimal correctional impact from this Bill, as situations it would address would be infrequent. Refer to the LSA memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 8, 2018, for information related to the correctional system.

Fiscal Impact

It is estimated that the fiscal impact of this Bill would be minimal. The State's cost for one additional conviction of child endangerment is:

- \$3,300 to \$6,600 for an aggravated misdemeanor.
- \$7,900 to \$12,100 for a Class D felony.
- \$9,000 to \$17,200 for a Class C felony.
- \$12,500 to \$29,600 for a Class B felony.

The minimum cost includes court time for a district associate judge or a district court judge, court reporter, court attendant, and clerk of court staff, plus the costs of probation supervision. The maximum cost includes court time and the costs of a jury trial, indigent defense, State prison, and parole supervision.

Sources

Department of Public Safety
Department of Human Rights, Criminal and Juvenile Justice Planning Division
Department of Corrections
Office of the State Court Administrator
Office of the State Public Defender

/s/ Holly M. Lyons

February 26, 2018

The fiscal note for this Bill was prepared pursuant to Joint Rule 17 and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.



HF 2351 – Peace Officers Killed in Line of Duty, Family Insurance Coverage Continuation (LSB5643HV.1)

Analyst: Angel Banks-Adams (515.281.6301) angel.banks-adams@legis.iowa.gov

Fiscal Note Version – As amended and passed by the House

Description

[House File 2351](#) authorizes the continuation of health insurance coverage to the surviving spouse and children of a State, county, or city peace officer who is killed in the line of duty. Under [House File 2351](#), the full cost of continued health insurance coverage would be paid for a surviving spouse until the spouse becomes eligible for coverage under Medicare. The former employer of the peace officer is required to provide full coverage if any of the following conditions are met:

- The surviving spouse becomes eligible for comparable group medical coverage, whether insured or self-insured.
- The surviving spouse becomes enrolled and remains enrolled under Medicaid.
- The surviving spouse remarries and remains married.

A surviving spouse who is not yet eligible for Medicare but meets one of the three criteria above may elect to continue coverage by paying the same premium employees do.

A surviving child of an eligible peace officer will be provided full health insurance coverage paid by the State, city, or county until the child reaches 26 years of age. However, if the child becomes enrolled and remains enrolled in Medicaid, the employer is no longer required to provide coverage. Additionally, the Bill adds surviving children under the age of 26 (or under the age of 30, if the parent was a veteran eligible for assistance) of a State, county, or city peace officer; police officer; fire fighter; sheriff; or deputy sheriff killed in the line of duty to the priority list of [All Iowa Opportunity Scholarship](#) candidates as awarded by the College Student Aid Commission.

The Bill takes effect upon enactment and applies retroactively to a death occurring on or after January 1, 1985.

Background

- Health insurance is offered on a calendar year basis.
- According to the Department of Administrative Services (DAS), four collective bargaining-covered State peace officers have died in the line of duty since 1985. Of the four, three died within 16 months of each other (1989-1990).
- A total of 25 officers from all jurisdictions (State, county, and local) were killed in the line of duty between January 1, 1985, and November 2, 2016.

Assumptions

- Health insurance premiums will remain constant at 2018 rates. Current plans do not contemplate a child(ren)-only policy premium.
- The city, county, or State employer will be responsible for the cost of continuing coverage.

- The Bill will apply to surviving spouses and children of peace officers who died in the line of duty on or after January 1, 1985.
- A surviving spouse or child who caused the eligible peace officer's death is not entitled to a continuation of health insurance coverage.
- Peace officers and supervisory peace officers not covered by collective bargaining include those employed by the Department of Transportation, the Department of Natural Resources, and the Department of Public Safety.
- For the families affected by the retroactive provision, the marital status of the surviving spouses is unknown at this time, and there are no eligible children.

Fiscal Impact

The fiscal impact of the retroactive application for the four eligible State peace officers would be based on the spouse level of coverage for collective bargaining-covered peace officers, for a fiscal impact of \$22,000 annually, to be paid by the Department of Public Safety.

The annual fiscal impact to the General Fund for an eligible deceased peace officer employed by the State of Iowa is as follows, based on 2018 premiums:

Table 1: Collective Bargaining-Covered Peace Officers

| Level of Coverage | Annual Cost |
|-----------------------------|--------------------|
| Spouse | \$ 5,514 |
| Family (Including Children) | \$ 10,438 |

Table 2: Supervisory Peace Officers

| Level of Coverage | Annual Cost |
|-----------------------------|--------------------|
| Spouse | \$ 9,180 |
| Family (Including Children) | \$ 21,492 |

The fiscal impact on cities and counties cannot be determined at this time.

Source

Department of Administrative Services
Department of Public Safety

/s/ Holly M. Lyons

February 23, 2018

The fiscal note for this Bill was prepared pursuant to Joint Rule 17 and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.
